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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,499	09/19/2003	Peter K. DeGabriele	087522-452-466	8961
28104	7590	10/07/2005	EXAMINER	
JONES DAY 77 WEST WACKER CHICAGO, IL 60601-1692			GABLER, PHILIP FRANCIS	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,499	DEGABRIELE ET AL.
	Examiner Philip Gabler	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

HC

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because they are informal. Photocopied photographs, as well as drawings with extraneous lines and arrows are of insufficient quality and considered informal. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Trulaske (US Patent Number 5584547). Trulaske discloses a storage cabinet wherein: said cabinet includes first and second side walls (32), top and bottom walls (18) and (38), a vertically adjustable door (14), a door hinge (24) and a spacer panel (16); said side walls each includes a height, a length, a forward edge and a rear edge; said top and bottom walls each includes a length and a width; said top and bottom walls are attached to said side walls along a portion of the length of said side walls, the lengths of said top and bottom walls being less than the lengths of said side walls; said spacer panel is attachable to

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said side walls adjacent to either said top wall or to said bottom wall as a function of which of said top wall and bottom wall is in the vertically lowest location; said door is attached to one of said side walls at a vertical position which location is function of the placement of said top and said bottom wall; and said door hinge is attached to said door and attachable to said one of said side walls.

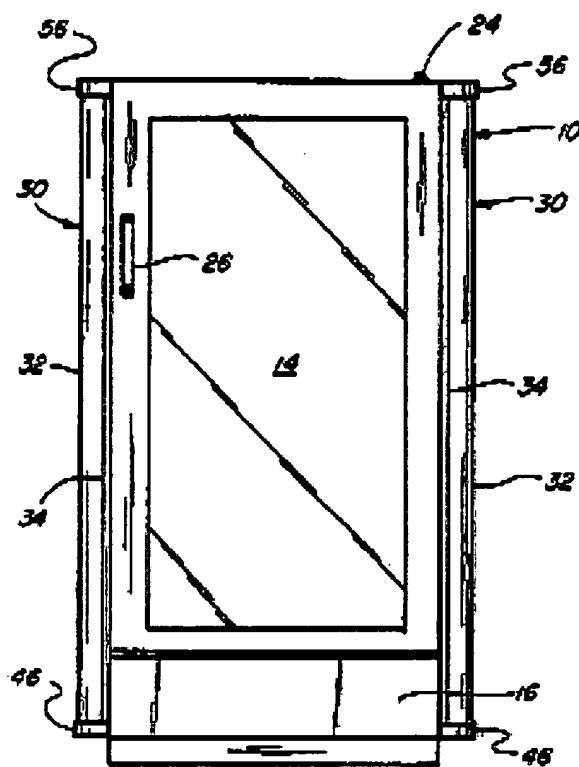


Fig. 1

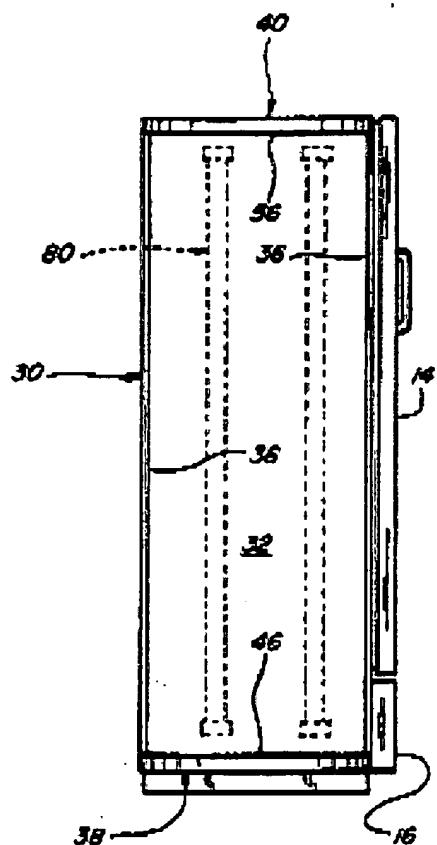


Fig. 3

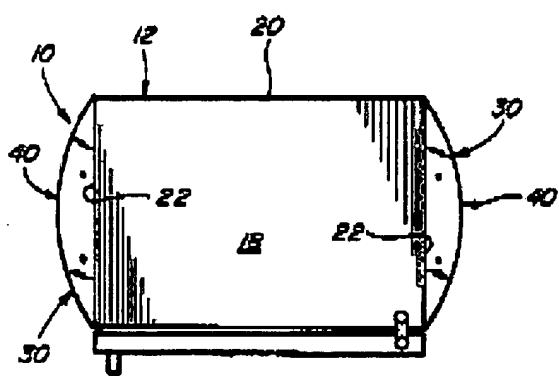


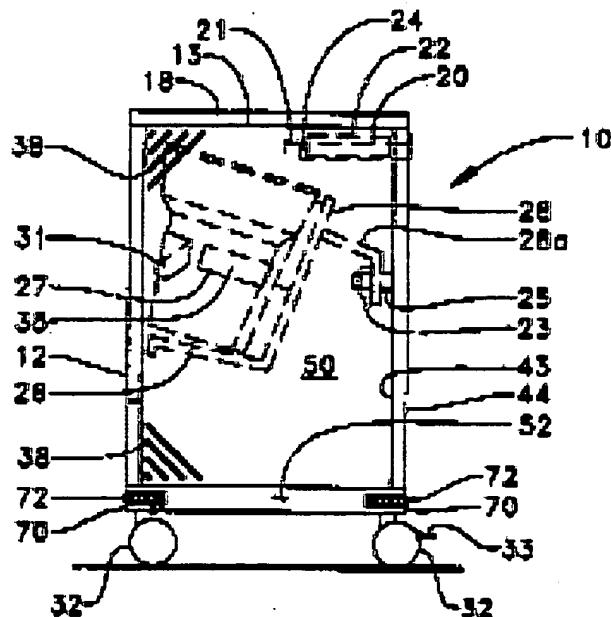
Fig. 2

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

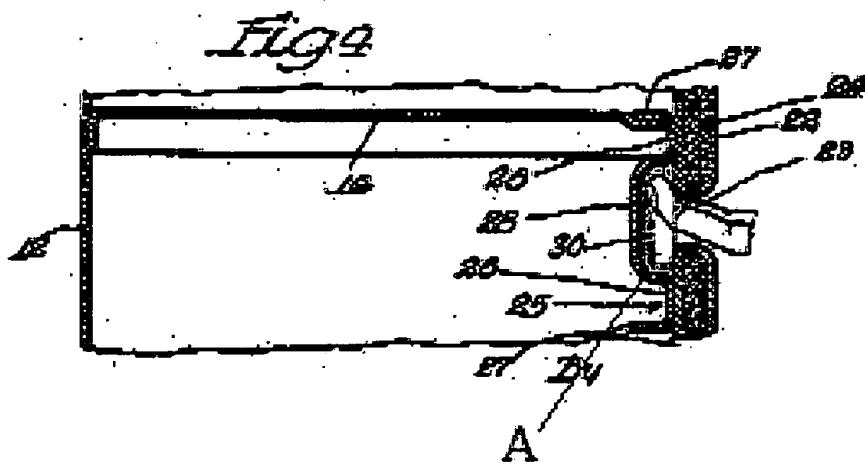
7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935). Trulaske discloses a cabinet as recited in claim 1, but does not include a set of casters. Coonan discloses a computer workstation including a set of casters (32) attached to the bottom wall (52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a set of casters as taught by Coonan to facilitate movement of the cabinet.



Coonan '935 Figure 5

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8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Davidson (US Patent Number 2653851). Trulaske discloses a cabinet as recited in claim 1, but does not include a slanted edge on the forward edge of the side wall. Davidson discloses a cabinet with a slanted edge (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a slanted edge on the forward edge of the side wall to facilitate the operation of a door as taught by Davidson.

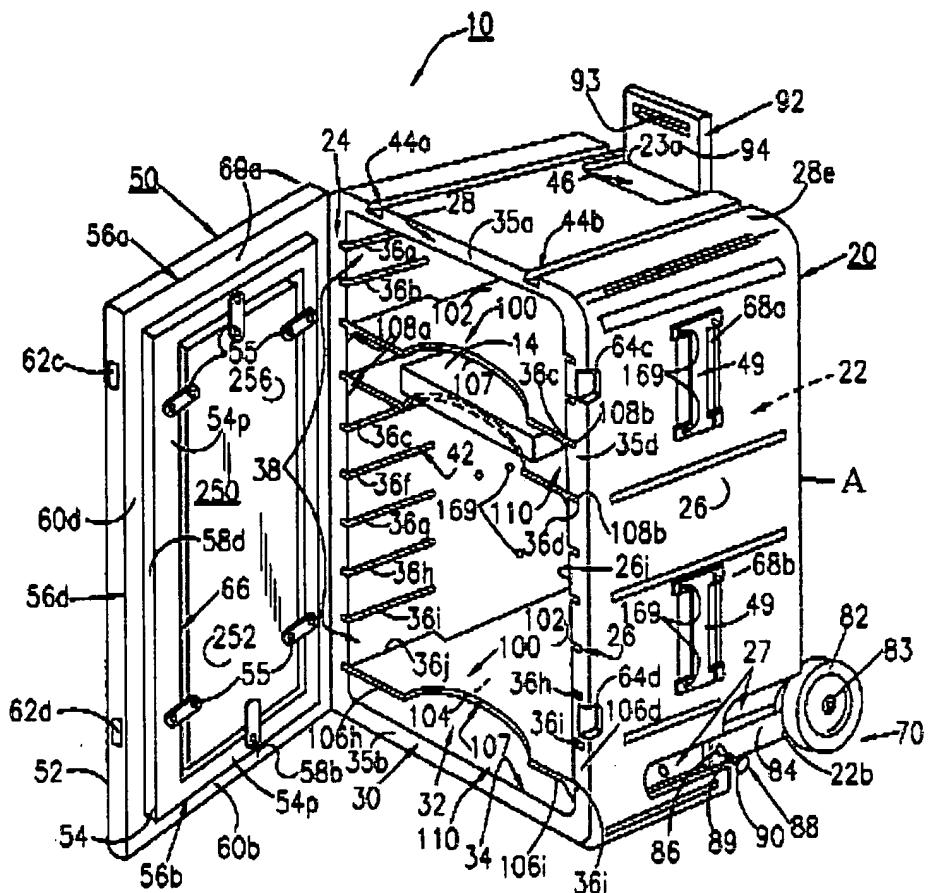


Davidson '851 Figure 4

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935) and Davidson (US Patent Number 2653851). Trulaske discloses a cabinet as recited in claim 1, but does not include a set of casters or a slanted edge on the forward edge of the side wall. Coonan discloses a

computer workstation including a set of casters (32) attached to the bottom wall (52), and Davidson discloses a cabinet with a slanted edge (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a set of casters and a slanted edge on the forward edge of the side wall as taught by Coonan and Davidson to facilitate movement of the cabinet and the operation of a door.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Clegg (US Patent Number 6520514). Trulaske discloses a cabinet as recited in claim 1, but does not include a recess in the rear edge of the side wall not attached to the door. Clegg discloses a filing case (10) with a recess (27) formed in the rear edge (A) of its side wall (26) not attached to its door (50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a recess as taught by Clegg for wires, etc.



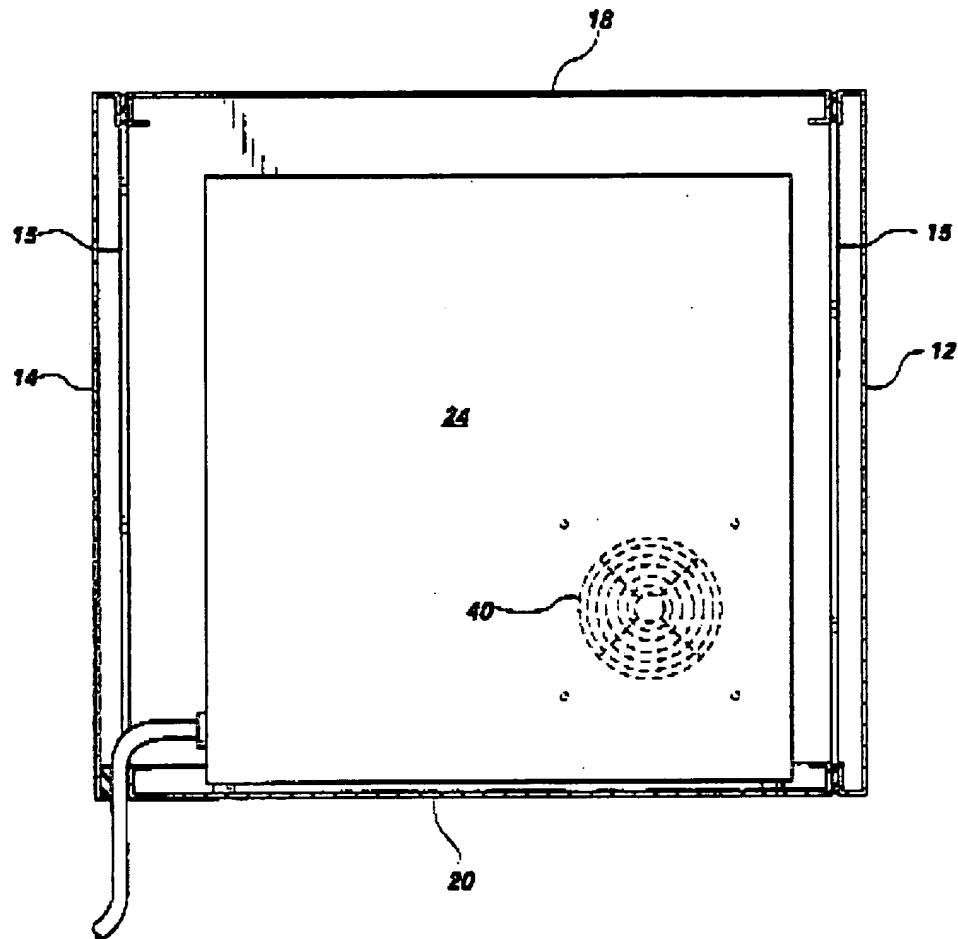
Clegg '514 Figure 1

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935), Davidson (US Patent Number 2653851), and Clegg (US Patent Number 6520514). Trulaske discloses a cabinet as recited in claim 7 when modified by Coonan and Davidson as explained above, but does not include a recess in the rear edge of the side wall not attached to the door.

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Clegg discloses a filing case (10) with a recess (27) formed in the rear edge (A) of its side wall (26) not attached to its door (50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet, combined with the Coonan and Davidson modifications, to include a recess as taught by Clegg for wires, etc.

12. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Gianelo (US Patent Number 6589308). Trulaske discloses a cabinet as recited in claim 1, but does not include an air grille attached to the side wall or a back panel forming a rear opening. Gianelo discloses a computer cabinet including an air grille (40) attached to the side wall (24), and a back panel (12) forming a rear opening (15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include an air grille and a rear opening as taught by Gianelo for ventilation of and access to the device stored in the cabinet.



Gianelo '308 Figure 3

13. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935), Davidson (US Patent Number 2653851), Clegg (US Patent Number 6520514), and Gianelo (US Patent Number 6589308). Trulaske discloses a cabinet as recited in claim 8 when modified by Coonan, Davidson, and Clegg as explained above, but does not include an air grille

attached to the side wall or a back panel forming a rear opening. Ganelo discloses a computer cabinet including an air grille (40) attached to the side wall (24), and a back panel (12) forming a rear opening (15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Trulaske's cabinet, as modified by Coonan, Davidson, and Clegg, to include an air grille and a rear opening as taught by Ganelo for ventilation of and access to the device stored in the cabinet.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Sevier et al. (US Patent Number 6561602) reference is cited for disclosing a cabinet with a door and spacer panel. The Lin (US Patent Number 6462944) reference is cited for disclosing a computer cabinet with a set of casters and a ventilation system. The Peterson (US Patent Number 6206495) reference is cited for disclosing a computer cabinet with various features such as casters, door, spacer panel, rear access, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG *fg*  
9/28/2005

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*Lanna Mai*